

House File 675

S-5195

1 Amend House File 675, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 5, line 8, after <situated.> by inserting
4 <The county identified on the state construction
5 registry internet website at the time of posting the
6 required notices pursuant to sections 572.13A and
7 572.13B shall be the only county in which the building,
8 land, or improvement may be charged with a mechanic's
9 lien.>

10 2. Page 6, line 12, after <Code> by inserting
11 <Supplement>

12 3. By striking page 6, line 28, through page 7,
13 line 5, and inserting <the improved property.">

14 4. Page 8, line 11, after <3.> by inserting <a.>

15 5. Page 8, by striking lines 14 through 17 and
16 inserting <and send a copy of the owner notice
17 described in section 572.13. The owner notice shall
18 contain the following language:

19 Persons or companies furnishing labor or materials
20 for the improvement of real property may enforce a
21 lien upon the improved property if they are not paid
22 for their contributions, even if the parties have no
23 direct contractual relationship with the owner. The
24 state construction registry provides a listing of all
25 persons or companies furnishing labor or materials who
26 have posted a lien or who may post a lien upon the
27 improved property. If the person or company has posted
28 its notice or lien to the state construction registry,
29 you may be required to pay the person or company even
30 if you have paid the general contractor the full amount
31 due. Therefore, check the state construction registry
32 internet website for information about the property
33 including persons or companies furnishing labor or
34 materials before paying your general contractor.
35 In addition, when making payment to your general
36 contractor, it is important to obtain lien waivers from
37 your general contractor and from persons or companies
38 registered as furnishing labor or materials to your
39 property. The information in the state construction
40 registry is posted on the internet website of the state
41 construction registry.

42 b. Other relevant information may be included with
43 the notice described in subsection 1 as prescribed by
44 the administrator pursuant to rule.

45 c. The notice described in subsection 1 shall be
46 sent to the owner's address. If the owner's address
47 is different than the property address, a copy of the
48 notice shall also be sent to the property address,
49 addressed to the owner.>

50 6. Page 20, by striking lines 14 through 22 and

1 inserting:
2 <Sec. _____. TRANSITION PROVISION —
3 NOTICES. Notwithstanding sections 572.13A and
4 572.13B, as enacted by this Act, or any other provision
5 of this Act, for the period commencing January 1,
6 2013, through June 30, 2013, a general contractor,
7 subcontractor, or owner-builder may, as an alternative
8 means of providing notice, submit an affidavit to the
9 administrator, as defined in section 572.1, which shall
10 serve as the requisite notice pursuant to this Act.
11 The administrator shall post such notices to the state
12 construction registry internet website. The affidavit
13 shall be in the form prescribed by the administrator
14 pursuant to rule.
15 Sec. _____. EFFECTIVE DATE. This Act takes effect
16 January 1, 2013.
17 Sec. _____. APPLICABILITY.
18 1. Mechanics' liens filed prior to the effective
19 date of this Act shall remain with the clerk of the
20 district court of the county in which the building,
21 land, or improvement charged with the lien is situated.
22 2. The notice provisions contained in this Act
23 apply only to material furnished or labor performed
24 after the effective date of this Act.>
25 7. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
JOE BOLKCOM, CHAIRPERSON